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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,558	01/27/2004	Kenji Inoue	00862 023418	9628
5514 7590 03/18/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
KHAN, ASHER R				
ART UNIT		PAPER NUMBER		
4134				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,558

Applicant(s)

INOUE ET AL.

Examiner

ASHER KHAN

Art Unit

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 3/3/2004/1/27/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-6, 9 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,593,942 B1 to Bushmitch et al. ("Bushmitch").

As to **claims 1,6, 9 and 10**, Bushmitch discloses an apparatus for programming recording of a TV program in accordance with an instruction of a user(Abstract), comprising: a display unit (Fig. 1, 10) adapted to display an analog clock (Col. 1, lines 60-61); and a control unit adapted to display programmed recording information at a corresponding time position (Fig. 1, 22) of the displayed analog clock (Fig. 1, 18) in a superposed manner (See fig. 1)(Col. 2, lines 38-60;Col. 3 lines 13-21)

As to **claim 2**, Bushmitch further discloses comprising a setting unit adapted to move an hour hand (Fig. 1, 20) of the analog clock to a desired time position to set the time as recording operation time (Col. 2, lines 4-6)(Col. 3 lines 15-16 and 37-40).

As to **claim 3**, Bushmitch further discloses wherein said control unit

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changes a display color of a dial in accordance with the programmed recording operation time is in the forenoon or afternoon (Col. 3 lines 3-5 and 13-21).

As to **claim 4**, Bushmitch further discloses wherein said control unit changes a display color of the recording information in accordance with contents of the recording information (Col. 3 lines 3-5 and 13-16, also see applicant's specification paragraph 76).

As to **claim 5**, Bushmitch further discloses wherein the recording information contains at least one of a received channel number and a genre of the program (Col. 2, lines 38-60 and 66-67; Col. 3, line 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,266,295 B1 to Parker et al. ("Parker") in view of U.S. Patent No. 6,593,942 B1 to Bushmitch et al. ("Bushmitch").

As to **claims 7 and 8**, Parker discloses an apparatus for displaying times on an analog clock corresponding to events on a calendar comprising: a unit adapted to display a calendar of a predetermined number of days for a number of events (See fig. 6)(Col. 6, lines 31-68 and col. 7, lines 1-49); and

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a unit adapted to display an analog clock having programmed information displayed at a corresponding time position at a corresponding date position of the displayed calendar in a superposed manner (See fig. 6)(Col. 6, lines 31-35 and col.7, lines 1-49).

Parker does not expressly disclose where this apparatus is used for programming recording of a TV program in accordance with an instruction of a user.

Bushmitch discloses where an apparatus is used for programming recording of a TV program in accordance with an instruction of a user (Abstract and col. 3, lines 13-15).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Bushmitch and Parker. Motivation would have been to use system of event display with analog clock and the event representing function of recording (Col 3. lines 13-20). This will improve the overall quality in the technique used for scheduling an event for programming (Col. 1, lines 43-45).

Therefore, it would have been obvious to combine Parker and Bushmitch to make the modification described in claim 7 and 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on Monday-Friday 9:30 am - 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lun Yi can be reached on (571)272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./

Examiner, Art Unit 4134

/LUN-YI LAO/

Supervisory Patent Examiner, Art Unit 4134